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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,963	08/07/2003	Stephen O. Bozzone	CE11234JI023 (9640/133)	1236
30016	7590	12/01/2004	EXAMINER	
CARDINAL LAW GROUP, LLC SUITE 2000 1603 ORRINGTON AVENUE EVANSTON, IL 60201			DONNELLY, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/635,963

Applicant(s)

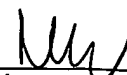
BOZZONE, STEPHEN O.

Examiner

Arthur D Donnelly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 4 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/7/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-23, 25 and 26 rejected under 35 U.S.C. 102(b) as being anticipated by Levi et al. (5,583,776).

Levi et al. discloses a personal tracking system, comprising a wireless communication device a pedometer electrically coupled to the wireless communication device and an electronic compass operably positioned with respect to the pedometer, wherein readings from the pedometer and the electronic compass are received by the wireless communication device to provide position information (Column 1 line 59 – Column 1 line 4);

wherein the wireless communication device comprises one of a cell phone or a mobile radio (Column 1 line 67 – Column 2 line 4);

wherein the pedometer is electrically coupled to the wireless communication device via a wired or wireless link (Column 2 lines 5-8);

wherein the pedometer comprises at least one single-axis accelerometer (Column 3 lines 12-36);

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further comprising a barometer electrically coupled to the wireless communication device wherein barometric signals are received by the wireless communication device to provide altitude information (Column 2 lines 5-8);

further comprising a GPS unit electrically coupled to the wireless communication device, wherein GPS signals from the GPS unit provide a longitudinal coordinate and a latitudinal coordinate to the wireless communication device (Column 1 line 59 – Column 2 line 4);

further comprising a server in communication with the wireless communication device, wherein position information is sent from the wireless communication device to the server in response to a position request (Column 7 line 19-63);

a method of tracking a location of a person, comprising receiving pedometer data from a pedometer receiving heading information from an electronic compass determining the location of the person based on the pedometer data and the heading information and sending a position information message block from a wireless communication device, the position information message block comprising the determined location (Column 1 line 59 – Column 2 line 4);

wherein the position information message block is sent from one of a cell phone or a mobile radio (Column 1 line 67 – Column 2 line 2);

further comprising receiving GPS coordinate information and determining the location of the person based on the GPS coordinate information (Column 8 lines 3-11);

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further comprising receiving the position information message block at a server and updating personal tracking information based on the received position information message block (Column 1 lines 63 – Column 2 line 2).

### ***Allowable Subject Matter***

Claims 4 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

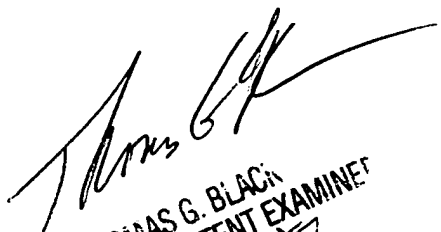
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Donnelly whose telephone number is (703) 305-0215. The examiner can normally be reached on Monday -Thursday on the first and third weeks of the month and from Monday - Friday on the second and forth weeks of the month from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 760-1

add  
November 18, 2004

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